

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

PERCY LATIKER, JR. #101390

PETITIONER

VS.

CIVIL ACTION 3:08cv437 TSL-JCS

ED HARGETT

RESPONDENT

JUDGMENT

This matter having come on to be heard on this date upon the report and recommendation of United States Magistrate Judge James C. Sumner entered in this cause on June 16, 2009, and the court, having adopted said report and recommendation as the finding of this court by order dated this day, finds that respondent's motion to dismiss should be granted, and this cause should be dismissed without prejudice.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above captioned cause be, and the same is hereby, dismissed without prejudice.

SO ORDERED this the 10th day of August, 2009.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE